

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: Matthew Peterson et al.

Art Unit No.: 1625

Serial No.:

10/820,382

Examiner: Hector M. Reyes

Filed:

April 6, 2004

For:

Gabapentin Compositions

Atty. Docket No.: TPIP039

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

Sir:

In response to the written Restriction Requirement dated November 24, 2004 in the above identified patent application, Applicants hereby elect to prosecute Group I drawn to different gabapentin salts and pharmaceutical compositions thereof (Claims 1-9), without traverse. The inventions of Groups II – VI (Claims 10-21) are cancelled as directed to non-elected subject matter, however Applicant reserves the right to file an additional application covering the subject matter as claimed in Groups II – VI.

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that under 37 CFR §1.10 that this correspondence is being deposited on December 31, 3 and with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.